

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDDY CLARK,

Plaintiff,

vs.

MATTHEWS INT’L. CORP.,

Defendant.

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Case No. 4:07CV2027SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on the plaintiff’s motion to compel (#18), filed November 13, 2008. Defendant has filed a responsive pleading.

Plaintiff has filed an age discrimination complaint alleging that he was denied access to training on the basis of age, that younger employees in his department were provided the training denied to plaintiff, and that his supervisor, Randy Peek, made derogatory age-related comments to him. Plaintiff further alleges that he was terminated from his employment during a January 31, 2007 reduction in force in the Art Department at the defendant’s St. Louis facility on the basis of age.

Plaintiff contends that defendant has failed to fully and completely produce documents responsive to Requests for Production Nos. 3, 4, 10, and 16. Production Request #3 seeks documents related to layoffs and reductions in force at any time after January 1, 2007; Production Request #4 seeks all documents related to the planning, preparation, and decision-making of each reduction in force after January 1, 2207, including those individuals identified as subject to layoffs in those reductions in force; Production Request #10 seeks all documents related to all complaints, agency charges of discrimination, and lawsuits received by defendant since 2002; and

Production Request #16 seeks all performance reviews considered by defendant pertaining to any reduction in force after January 1, 2007. Defendant has limited its discovery responses to the January 31, 2007 RIF at the St. Louis facility, and to the Graphics/Art Dept. employees subject to the RIF at the St. Louis facility. Plaintiff seeks to compel production of information and documents pertaining to RIFs other than the one resulting in his employment termination, and personnel records of Graphics/Art Dept. employees outside the St. Louis facility.

The Court has reviewed the pleadings, and the submitted exhibits and finds that the defendant has sufficiently responded to the disputed discovery production requests.

Plaintiff believes that he is entitled to discovery regarding terminations after January 31, 2007 and employee records regarding employees from facilities other than St. Louis. His primary foundation for this belief are the alleged deposition testimonies of Deena Zadylack and Kerry Beaver. However, plaintiff has failed to submit any deposition testimony from these two deponents for the Court to consider.

On the contrary, defendant has submitted certain portions of the depositions of Zadylack and Beaver for the Court's consideration. It is this Court's opinion that based upon these depositions, as well as the exhibits submitted by both parties, plaintiff's discovery is to be limited to the January RIF at the St. Louis facility which affected the employees of the Graphics/Arts Department.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel (#18) be and is **DENIED**.

Dated this 19th day of February, 2009.


UNITED STATES DISTRICT JUDGE

